



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Kaiya Campbell, CSP
Safety, Health, & Environmental Supervisor
Copperhead Chemical Company
120 River Road
Tamaqua, PA 18252

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Copperhead Chemical Company
EPA ID No. PAR000030874
Reference Number: C20-07

Dear Mr. Campbell:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting to supplement the information obtained during its inspection of the Copperhead Chemical Company located in Tamaqua, Pennsylvania (the Facility) on July 17 and 18, 2019. A copy of the compliance evaluation inspection (CEI) report was electronically mailed to the Facility on August 28, 2019. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents

maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.).

Please provide the information requested below:

Information Request

1. During the July 2019 CEI, the EPA inspector observed a tank, according to the Facility, is used to accumulate waste acetone generated from a distillation process inside Building 2016. Please refer to page 9 of the CEI and photograph 22 included in the Photographic Log as Attachment 1. Please provide the following information regarding the tank:
 - a. State the capacity (m³) of the tank.
 - b. Please state the tank's date of installation.
 - c. If it is an "existing tank system" as defined in 40 C.F.R. § 260.10 (*i.e.*, installed before January 16, 1993), has the facility conducted an assessment of its integrity as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.
 - d. If it is a "new tank system" as defined in 40 C.F.R. § 260.10 (*i.e.*, installed on or after January 16, 1993), has the facility certified its design as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.
 - e. State whether a "waste determination" for the volatile organic concentration in parts per million by weight of each waste stream at its point of waste origination entering the tank has been made in accordance with 40 C.F.R. § 265.1084.

- f. If a determination for the volatile organic concentration of each solvent waste stream has been made in accordance with 40 C.F.R. § 265.1084 at its point of waste origination, please state when each such determination was made and whether the organic concentration determination was based on analytical results or on the generator's knowledge of the waste or the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If any such determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.
 - g. Is the tank equipped with emission controls in accordance with 40 C.F.R. § 265.1083 for this tank? If so please describe in detail what controls are implemented for the tank, and the date the control(s) was implemented. If the facility has not implemented controls for the tank, please state why.
- 2. During the CEI, the inspector observed piping and equipment leading to and from the tank. Please refer to page 9 of the CEI and photographs 23 to 27 included in the Photographic Log as Attachment 1. Please provide the following information regarding the piping and associated equipment.
 - a. A detailed schematic of the waste handling systems, including sources, equipment, piping, transfer mechanisms, and all tanks and containers involved in temporary or final collection/management of acetone waste.
 - b. A detailed description of all equipment included in the waste handling system, including all pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges or other connectors, closed-vent systems and control devices, as these terms may be defined in 40 C.F.R. § 264.1031.
 - c. State whether or not the Facility has conducted an analysis to determine applicability of the Subpart BB regulations to this equipment, as described in 40 C.F.R. § 265.1063(d) and § 265.13(b).
 - d. If an applicability determination, as described in 40 C.F.R. § 265.1063(d) and § 265.13(b), has been made for this equipment, state when such a determination(s) was made and the results of such determination(s). Please provide a copy of any and all documentation used to support such a determination.
 - e. Please state, for all the waste accumulated in the tank at the Facility up to the present time, whether or not any was reclaimed, recycled or reused after such generation. Provide a copy of any and all documentation substantiating such claims of reclamation, recycling, or reuse.
 - f. Provide information/documentation that demonstrates whether or not those pieces of equipment listed in response to Question 2.b. above are or are not exempt from the air

emission standards for equipment leaks as specified in 40 C.F.R. § 265.1050.

- g. If the Facility has determined that any piece of equipment is exempt, please provide the waste analysis plan, as specified in 40 C.F.R. § 265.1063(d), along with either the sample results or process knowledge documentation upon which the exemption is based.
 - h. State whether or not each piece of equipment has been marked in such a manner that it can be distinguished readily from other pieces of equipment in accordance with 40 C.F.R. § 265.1050(c), regardless of whether the Facility is claiming an exemption for any piece of such equipment.
 - i. Please state whether or not any or all of the equipment is “in light liquid service” or “in heavy liquid service,” as defined in 40 C.F.R. § 264.1031. If so, please specify which pieces of equipment are in light liquid service or in heavy liquid service.
 - j. Please state whether or not each piece of equipment has been inspected and monitored under a leak detection and repair (“LDAR”) program for the time period of January 1, 2016 up to receipt of this letter.
 - k. Please identify each piece of equipment which has been inspected and monitored under an LDAR program and provide the time period for which each such piece of equipment has been part of an LDAR program.
 - l. Please submit the Facility’s inspection and monitoring schedule for each piece of equipment covered by an LDAR program detailing how often each piece of equipment is visually inspected and/or monitored with an instrument.
 - m. Please submit any and all LDAR program inspection and monitoring records/documentation for each piece of equipment for the time period of January 1, 2016 up to receipt of this letter.
 - n. Has the Facility maintained those records required under 40 C.F.R. §§ 265.1064(b)(1), 265.1064(g) and 265.1064(h)? If so, please state the date on which the Facility began maintaining such records and submit copies of any and all records required under 40 C.F.R. §§ 265.1064(b)(1), 265.1064(g) and 265.1064(h) from the August 17, 2016 EPA CEI up to the present.
3. Based on information provided by the Facility during and subsequent to the CEI, the Waste Acid Scale House receives waste acid from Building 582. The waste is generated from the separation tank inside Building 582. The waste acid is gravity fed to the Waste Acid Scale House where it is collected into a 904 gallon tank. The waste acid is weighed and treated with sulfuric acid, if necessary, to neutralize its reactivity characteristic (D003). From this tank the waste acid is piped to the hazardous waste acid tank. Regarding the 904 gallon tank inside the Waste Acid Scale House, please provide the following:

- a. Its date of installation.
- b. If it is an "existing tank system" as defined in 40 C.F.R. § 260.10, has the facility conducted an assessment of its integrity as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.
- c. If it is a "new tank system" as defined in 40 C.F.R. § 260.10, has the facility certified its design as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.
- d. Please state whether or not the facility has provided methods for secondary containment and release detection for the tank in accordance with 40 C.F.R. § 265.193. If it has, please state the date(s) these methods were first provided and a detailed description of each method.
- e. Is the tank labeled or marked as Hazardous Waste?
- f. State whether or not the Facility conducts inspections of the tank. If inspections are conducted, please indicate:
 - i. How often the inspections are conducted.
 - ii. List the persons performing the inspections and job titles.
 - iii. Provide copies from 2015 to the date of this letter of hazardous waste training the persons performing the inspections receive.
 - iv. Provide inspection records for the tank from January 1, 2016 to the date you receive this letter.
 - v. For the dates where no inspection record was provided in your response to Question 3.f, please state whether or not an inspection was completed.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the signed and dated certification found on the final page of this letter.**

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA

Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Stephen Forostiak (3ED22)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
forostiak.stephen@epa.gov

If you have any questions concerning this matter, please contact Mr. Forostiak at (215) 814-2136.

Sincerely,

Carol Amend, Chief
Air, RCRA & Toxics Branch
Enforcement & Compliance Assurance Division

Enclosures

cc: Stephen Forostiak (3ED22) w/o
Pauline Belgiovane (3ED20) w/o

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

NAME (print or type)

Title

SIGNATURE

DATE

Kaiya Campbell, CSP
Safety, Health, & Environmental Supervisor
Copperhead Chemical Company
120 River Road
Tamaqua, PA 18252

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SURNAME	S. Forostiak	J. Henry					
DATE							